

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 99-499)

PATENT

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In the Application of:

Chou et al.

Serial No.: 08/903,944

Filing Date: July 31, 1997

For: Production of Transgenic Poinsettia

Examiner: D. Fox

Group Art Unit: 1638

TRANSMITTAL LETTER

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

- a) Response to the Office Action Mailed August 8, 2001;
- b) two (2) sets of claims: 1-redlined, 1-clean;
- c) return receipt postcard.

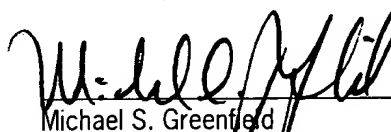
2. With respect to fees:

- a) A fee is not required at this time.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on October 9, 2001.

Respectfully submitted,

Date: October 9, 2001

  
Michael S. Greenfield  
Registration No. 97,142

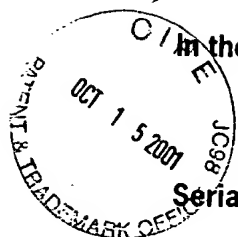
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Serial No.: 08/903,944

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RESPONSE TO THE FINAL OFFICE ACTION MAILED AUGUST 8, 2001

Box Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please consider the following amendments and remarks made in response to the Office Action mailed August 8, 2001.

**AMENDMENTS**

**In the claims:**

*Please amend the claims as follows:*

6. (Four Times Amended) A method for producing transgenic poinsettia plants, comprising:
- (a) incubating poinsettia plant tissue explants that produce reddish epidermal callus on auxin- and cytokinin-containing callus induction medium;
  - (b) culturing reddish epidermal callus on embryo induction medium comprising casein hydrolysate and  $\text{NH}_4^+$  and/or  $\text{NO}_3^-$  to form embryogenic callus;
  - (c)
    - (i) introducing an expression vector into said incubating embryogenic callus to produce transformed embryogenic callus, wherein said expression vector comprises a selectable marker gene and a second foreign gene, or

**CERTIFICATE OF MAILING (37 C.F.R. 1.8a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the: Commissioner for Patents, Washington D.C. 20231, on October 9, 2001.

Date: October 9, 2001

Michael S. Greenfield